



Senate

General Assembly

File No. 664

January Session, 2001

Substitute Senate Bill No. 1268

Senate, May 8, 2001

The Committee on Appropriations reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING LEAD ABATEMENT STRATEGIES AND THE DISPOSAL OF CERTAIN HOUSING PROJECTS IN EAST HARTFORD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-111c of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 The owner of any dwelling in which the paint, plaster or other
4 materials contain toxic levels of lead and in which children under the
5 age of six reside, shall abate or manage such dangerous materials
6 consistent with regulations adopted pursuant to this section. The
7 Commissioner of Public Health shall adopt regulations, in accordance
8 with the provisions of chapter 54, establishing removal and abatement
9 requirements and procedures for materials containing toxic levels of
10 lead. The commissioner shall authorize, for purposes of inspecting
11 paint conditions, the use of three classifications of paint conditions: (1)
12 Good, (2) fair, and (3) poor. Such classifications shall result in an
13 appropriate level of treatment. The commissioner shall authorize the

14 use of any liquid, cementitious or flexible lead encapsulant product
15 which complies with an appropriate standard for such products
16 developed by the American Society for Testing and Materials or
17 similar testing organization acceptable to the commissioner for the
18 abatement of toxic levels of lead, unless the commissioner disapproves
19 the use of any such product. The commissioner shall maintain a list of
20 all such lead encapsulant products that may be used in this state for
21 the abatement of toxic levels of lead.

22 Sec. 2. Section 8-64a of the general statutes is repealed and the
23 following is substituted in lieu thereof:

24 No housing authority which receives or has received any state
25 financial assistance may sell, lease, transfer or destroy, or contract to
26 sell, lease, transfer or destroy, any housing project or portion thereof in
27 any case where such project or portion thereof would no longer be
28 available for the purpose of low or moderate income rental housing as
29 a result of such sale, lease, transfer or destruction, except the
30 Commissioner of Economic and Community Development may grant
31 written approval for the sale, lease, transfer or destruction of a housing
32 project if the commissioner finds, after a public hearing, that (1) the
33 sale, lease, transfer or destruction is in the best interest of the state and
34 the municipality in which the project is located, (2) an adequate supply
35 of low or moderate income rental housing exists in the municipality in
36 which the project is located, (3) the housing authority has developed a
37 plan for the sale, lease, transfer or destruction of such project in
38 consultation with the residents of such project and representatives of
39 the municipality in which such project is situated and has made
40 adequate provision for said residents' and representatives'
41 participation in such plan, and (4) any person who is displaced as a
42 result of the sale, lease, transfer or destruction will be relocated to a
43 comparable dwelling unit of public or subsidized housing in the same
44 municipality or will receive a tenant-based rental subsidy and will
45 receive relocation assistance under chapter 135. The commissioner

46 shall consider the extent to which the housing units which are to be
47 sold, leased, transferred or destroyed will be replaced in ways which
48 may include, but need not be limited to, newly constructed housing,
49 rehabilitation of housing which is abandoned or has been vacant for at
50 least one year, or new federal, state or local tenant-based or project-
51 based rental subsidies. The commissioner shall give the residents of the
52 housing project or portion thereof which is to be sold, leased,
53 transferred or destroyed written notice of said public hearing by first
54 class mail not less than ninety days before the date of the hearing. Said
55 written approval shall contain a statement of facts supporting the
56 findings of the commissioner. This section shall not apply to the sale,
57 lease, transfer or destruction of a housing project pursuant to the terms
58 of any contract entered into before June 3, 1988. This section shall not
59 apply to (A) [phase] Phase I of Father Panik Village in Bridgeport,
60 [and] (B) Elm Haven in New Haven, and (C) Daley Court, Veteran's
61 Terrace and Veteran's Terrace Extension in East Hartford.

HSG	JOINT FAVORABLE SUBST. C/R	PD
PD	JOINT FAVORABLE SUBST. C/R	APP
APP	JOINT FAVORABLE	

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost, Potential Future Revenue Loss

Affected Agencies: Departments of Public Health and Economic and Community Development

Municipal Impact: Potential Savings (Housing Authority)

Explanation**State Impact:**

An FY 02 cost to the state of approximately \$24,350 will result in response to passage of Section 1 of the bill. The Department of Public Health will incur a cost of \$14,900 to support the three-quarter year salary of one half-time Environmental Sanitarian needed to provide outreach and education regarding the use of the three paint classifications set forth in the bill. Also included in this sum is \$3,600 in associated other expenses and equipment costs, and \$5,850 in fringe benefits costs.

In FY 03 and subsequent fiscal years a cost of \$29,700 will be incurred (\$21,900 in costs to the department, and \$7,800 in fringe benefits costs).

Section 2 of this bill exempts Daley Court, Veteran's Terrace and Veteran's Terrace Extension from the requirement that the Department of Economic and Community Development approve any sale, lease,

transfer or destruction of any state assisted housing development. To the extent that these facilities are sold and the state is unable to recoup investments in these properties through these sales, the state may forgo future revenue due to this exemption. The extent of this forgone revenue will be dependent upon the final disposition of these facilities.

Municipal Impact:**Housing Authorities**

This bill may result in an administrative savings to East Hartford Housing Authority, as it will not be required to seek DECD approval or meet certain criteria for these three properties. The extent of these savings cannot be determined.

The debts and liabilities of a housing authority are not those of the municipality in which it is located. Therefore, these potential savings to the housing authority do not constitute a savings to the municipality.

OLR BILL ANALYSIS

sSB 1268

AN ACT CONCERNING LEAD ABATEMENT STRATEGIES AND THE DISPOSAL OF CERTAIN HOUSING PROJECTS IN EAST HARTFORD.**SUMMARY:**

This bill requires the public health commissioner to include, apparently in public health regulations, three classifications (good, fair, and poor) for paint inspected for toxic levels of lead. It requires these classifications to result in an “appropriate level” of action. Current law does not include paint condition classifications, but the regulations contain two types of surface conditions (which include paint conditions). It is not clear how these new terms would affect the existing classification scheme.

The bill also authorizes the sale, lease, transfer, or demolition of three East Hartford Housing Authority projects: Daley Court, Veteran’s Terrace, and Veteran’s Terrace Extension. The three projects are exempted from the current law’s prohibition against selling, leasing, transferring, or demolishing state-assisted public housing units. Current law provides an exception to the prohibition if certain criteria are met and the economic and community development commissioner approves. The bill allows the authority to demolish these projects without the commissioner's approval or meeting the criteria.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Public Health Regulations Regarding Lead in Surfaces***

Public health regulations include two terms, “intact surface” and “defective surface,” used for inspections for lead exposure from paint and dwelling surfaces. Both terms cover plaster and wall surfaces as

well as the paint.

“Intact surface” means a defect-free surface with no loose, peeling, chipping, or flaking paint. Painted surfaces must be free from crumbling, cracking, or falling plaster and must not have holes in them. Intact surfaces must not be damaged in any way such that a child can get paint from a damaged area. “Defective surfaces” means peeling, flaking, chalking, scaling or chipping paint; paint over crumbling, cracking or falling plaster, or plaster with holes in it; paint over a defective or deteriorating substrate; or paint that is damaged in any manner such that a child can get paint from the damaged area.

The regulations require that when a child lives in a dwelling unit, all defective lead-based surfaces must be abated. Intact surfaces containing lead do not require abatement but must be monitored and abated if they become defective at a later date.

COMMITTEE ACTION

Select Committee on Housing

Joint Favorable Substitute Change of Reference

Yea 7 Nay 5

Planning and Development Committee

Joint Favorable Substitute Change of Reference

Yea 11 Nay 6

Appropriations Committee

Joint Favorable Report

Yea 36 Nay 8